



DA

U.S. Department of Justice

Immigration and Naturalization Service

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536



Public Copy

File: LIN-01-023-50131 Office: Nebraska Service Center Date:

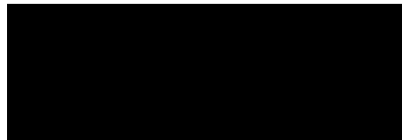
JUL 30 2001

IN RE: Petitioner:
Beneficiary:



Petition: Petition for a Nonimmigrant Worker Pursuant to § 101(a)(15)(P)(i) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(P)(i)

IN BEHALF OF PETITIONER:



Identifying data deleted to
prevent clearly unwarranted
invasion of personal privacy

INSTRUCTIONS:

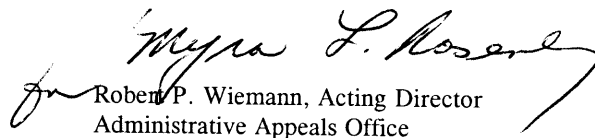
This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of \$110 as required under 8 C.F.R. 103.7.

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS


Robert P. Wiemann, Acting Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, Nebraska Service Center, and is now before the Associate Commissioner for Examinations on appeal. The record will be remanded.

The petitioner filed a Form I-129 (Petition for a Nonimmigrant Worker) on October 18, 2000, seeking classification of the beneficiaries under section 101(a)(15)(P)(i) of the Immigration and Nationality Act ("the Act"), 8 U.S.C. 1101(a)(15)(P)(i). The petitioner is listed as a musical group, presumably in P-1 classification, that seeks the services of seven stage/lighting technicians as essential support aliens.

In the course of the proceeding, the petitioner submitted an altered copy of the Form I-129 indicating that it was attempting to amend the petition to request H-1B classification. The record is unclear as to whether the petitioner sought to amend or withdraw the P-1 petition.

The director denied the petition for P-1 classification finding that the petitioner failed to establish eligibility under 8 C.F.R. 214.2(p)(3), but did not specify the basis for the determination ineligibility.

The director must specify in writing the specific grounds for denial of a visa petition. 8 C.F.R. 103.3(a)(1). Accordingly, the record will be remanded for a review of the classification sought by the petitioner and the issuance of a new decision specifying the grounds for denial.

ORDER: The record is remanded.